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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,600	02/28/2002	James J. Miller	Miller, Jim-001:C	2871

7590 07/08/2003

THE MATTHEWSFIRM  
1900 WEST LOOP SOUTH, STE. 1800  
HOUSTON, TX 77027

EXAMINER

ROWAN, KURT C

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/086,600

Applicant(s)  
MILLER et al.

Examiner  
KURT ROWAN

Art Unit  
3643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 16, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-52 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other: \_\_\_\_\_

Art Unit: 3643

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 52 is objected to because of the following informalities: claim 52 ends in a "--." . It is not clear if a word or words have been omitted. Appropriate correction is required.

### ***Claim Rejections - 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-37, 39-42, 47, 50-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Rentz and Herzog (Rentz hereafter).

The patent to Rentz shows a fish hook having a first shank and a second shank A, A with first and second ends. In reference to claims 29 and 50, Rentz shows a tensioner C disposed intermediate the first shank and the second shank. Rentz shows a latch B, B, E, F having first and second latch positions as shown in Figs. 1 and 2 whereby the second end of the first shank is partially obscured by the second end of the second shank. In reference to claims 30-31, Rentz shows the first and second shanks as fish hooks. In reference to claims 32-33, Rentz shows the first and second hooks have barbs disposed at the second ends. In reference to claims 34-36, Rentz shows a coil

Art Unit: 3643

spring tensioner C with one or more coils of a single wire. In reference to claims 37, 39, Rentz shows a prong E, F along the first shank which comprises a body. In reference to claim 40, Rentz shows an eyelet C disposed about the first and second shanks. In reference to claims 41, 42, Rentz shows the latch being released upon application of two generally opposing forces. In reference to claim 47, Rentz discloses spring wire.

*Claim Rejections - 35 U.S.C. § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 38, 43-44, 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rentz and Herzog.

The patent to Rentz shows a fishing hook as discussed above. In reference to claim 43, Rentz shows a latch E, F disposed about the hook shanks. However, it would have been obvious to dispose the latch about the tensioner since the function is the same and no stated problem is solved. In reference to claim 44, it would have further been obvious to dispose the latch about the ends of the shanks and in communication with the tensioner since the function is the same and as above, no stated problem is solved. In reference to claims 48, 49, Rentz does not disclose the

Art Unit: 3643

material except to say that a spring wire is used. However, it would have been obvious to employ any of the recited metals or a composite material since the selection of a known material is based on its suitability for the intended use. See *In re Leshin*, 125 USPQ 416.

6. Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rentz and Herzog as applied to claim 29 above, and further in view of Titus.

The patent to Rentz shows a trap hook as discussed above. The patent to Titus shows a trap hook having a bore brad 10. In reference to claim 45, it would have been obvious to provide Rentz with a bore brad as shown by Titus for the purpose of mounting the hook in a lure body using the brad in contact with the lure body to prevent pivoting of the hook with respect to the lure body. In reference to claim 46, Titus does not disclose a hollow brad, but it would have been obvious to employ a hollow brad to save weight and clearly, the function is the same.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 29-52 have been considered but are moot in view of the new ground(s) of rejection. Applicant's response overcomes the rejection under 35 U.S.C. 112, second paragraph.

Art Unit: 3643

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KURT ROWAN** whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Art Unit: 3643

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Kurt Rowan". The signature is written in a cursive, flowing style.

KURT ROWAN

PRIMARY EXAMINER

ART UNIT 3643

June 30, 2003